

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Illinois Independent Telephone Association)	
)	
)	Docket No. 00-0233
Petition for initiation of an investigation of the necessity of and the establishment of a Universal Service Support Fund in accordance with Section 13-301(d) of the Public Utilities Act)	
)	
)	
Illinois Commerce Commission)	
On its Own Motion)	
)	Docket No. 00-0335
Investigation into the necessity of and, if appropriate, the establishment of a Universal Support Fund pursuant to Section 13-301(d) of the Public Utilities Act)	
)	

RESPONSE OF AMERITECH ILLINOIS TO HARRISONVILLE TELEPHONE COMPANY'S PETITION TO REOPEN ON THE COMMISSION'S OWN MOTION

Ameritech Illinois submits the following response to Harrisonville Telephone Company's ("Harrisonville") Petition asking the Commission to reopen the rehearing in this proceeding on its own motion. Harrisonville contends that it is necessary to reopen the proceeding because of the "discovery" of evidence presented by Verizon on which the Commission purportedly "relied heavily in making the 'affordable rate' conclusions" in its the September 18, 2001 Order.

Harrisonville's petition should be denied. First, there is no new "discovery" of evidence that could not have been readily discovered through either discovery requests or by examination of publicly available records. Harrisonville argues that it discovered during cross examination at the December 18, 2001 hearing that Verizon South offers flat rate service in "certain Verizon South exchanges" that is lower than Harrisonville's "existing weighted average rate." Petition, para. 2, p. 2. This information was readily

available through discovery or through examination of publicly available tariffs as Harrisonville implicitly concedes by referencing Verizon South's tariff. Id. It is not new evidence that would warrant reopening this proceeding.

Second, the Commission itself did not choose to examine only "certain" Verizon South exchanges as Harrisonville is now seeking to have the Commission do. Rather, the Commission stated:

No parties refuted that the majority of Verizon's service territory, particularly the territory upon which Verizon's affordable rate was calculated, is comparable to IITA members with respect to customer density, economic demographics, and operational requirements. The rate is also reasonably comparable to rates in urban areas. Moreover, this rate is affordable today, as Verizon's customers presently pay the rates proposed by Verizon witness Dr. Beauvais.

September 18, 2001 Order, p. 32.

Third, Harrisonville's approach, if adopted by the Commission, would misfocus the process of determining an "affordable rate." Harrisonville is asking the Commission to look at current rates in what it describes as Verizon's "more rural exchanges." Petition, para. 6, p. 4. The affordable rate for funded companies should not be the lowest rate in rural exchanges of carriers that are not seeking funding. Rather, the focus should be on what is an appropriate affordable rate for end users served by carriers that are seeking funding.

Finally, Harrisonville's argument should be rejected because it is based on a fundamental misinterpretation of Section 254(b)(3) of TA96. Harrisonville argues that "'affordable rates' be set at levels comparable to rates in urban areas" and that the rates from Verizon's "more rural exchanges" are more comparable to what Harrisonville characterizes as Ameritech Illinois' "urban rate" and national urban rates. Petition, para.

8, p. 4. This argument is flawed. Section 254 requires rates to be “reasonably comparable.” Harrisonville is mischaracterizing rates as being required to be “comparable,” not “reasonably comparable.” “Reasonably comparable” certainly does not mean “identical.”

For all of the above reasons, the Commission should reject Harrisonville’s petition to reopen the record on the Commission’s own motion. If, however, the Commission were to reopen the issue in the manner requested by Harrisonville, then any party should be permitted to reintroduce evidence on what the affordable rate should be. Ameritech Illinois supported Staff’s proposed affordable rate of \$24 for residential customers and \$27 for business customers. On rehearing several of the funded companies were successful in their motion to strike Ameritech Illinois’ testimony that these were more appropriate affordable rate levels than the rates of \$22.23 or \$20.39 that were being considered on rehearing. If the proceeding is reopened, the issue should be open for all parties to submit any evidence on the appropriate affordable rate level.

For all of the above reasons, Ameritech Illinois requests that Harrisonville’s Petition be denied.

Dated: January 30, 2002

Respectfully submitted,
Ameritech Illinois

By one of its Attorneys

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Response of Ameritech Illinois to Harrisonville Telephone Company's Petition to Reopen on the Commission's Own Motion was filed with the Commission via e-docket and served upon all parties electronically and via U.S. Mail on this 30th day of January 2002.

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